

REMARKS

Claims 1-30 are pending in the application. In the Final Office Action dated August 12, 2005, claims 1-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,263,064 ("O'Neil") in view of U.S. Pat. App. Pub. No. 2002/0036505 A1 ("McDowell"). In this Amendment, claims 1, 11, and 21 have been amended. Applicants respectfully request reconsideration and withdrawal of the rejection in light of the amendments to the claims and the following remarks.

I. The Examiner Incorrectly Characterized the Applicants' Arguments of the Office Action Response Dated June 8, 2005

In the Office Action dated Aug. 12, 2005, the Examiner stated that the Applicants argued against the references individually and argued that there is no suggestion to combine the references. Applicants respectfully disagree and submit that the Examiner incorrectly characterized the Applicants' arguments. Applicants argued that neither O'Neil or McDowell disclose at least routing a message which is to be routed to one of a plurality of authorized parties to an active communication device associated with an authorized party in response to detecting the presence of the authorized party. Therefore, due to the fact neither references disclosed this limitation, any combination of O'Neil and McDowell necessarily cannot render the independent claims unpatentable.

Showing that each reference fails to disclose a single limitation of the independent claim is not individually attacking a reference as cited by the Examiner. Further, arguing that due to the fact neither reference discloses a single limitation of an independent claim, that any combination of the references necessarily cannot render the independent claim unpatentable is not arguing there is no suggestion to combine the references. While Applicants disagree with the Examiner's arguments in the Final Office Action that incorrectly characterized the Applicants' arguments, Applicants have amended the independent claims to expedite prosecution.

II. The Proposed Combination of O'Neil and McDowell Does Not Render the Currently-Claimed Invention Unpatentable

Amended independent claims 1, 11, and 21 are directed to a method and system for providing an improved routing solution that uses a presence management and detection Web service in combination with communication tools having embedded presence management devices. In general, a message which is to be routed to one of a plurality of authorized parties is received. A web service is polled to detect the presence of a first authorized party of the plurality of authorized parties. It is determined that the presence of the first authorized party remains undetected over an allocated time period and the web service is polled again to detect the presence of a second authorized party of the plurality of authorized parties. ***In response to determining that the presence of the first authorized party remains undetected and detecting the presence of the second authorized party, the message which is to be routed to one of a plurality of authorized parties is routed to an active communication device associated with the second authorized party. Neither O'Neil or McDowell disclose at least routing a message which is to be routed to one of a plurality of authorized parties to an active communication device associated with an authorized party in response to determining that the presence of the first authorized party remains undetected and detecting the presence of the authorized party.***

O'Neil is directed to a computer-implemented control center for permitting a subscriber of a plurality of communications services of a unified messaging system to customize communication options pertaining to the communications services. As admitted by the Examiner both in the Office Action dated Feb. 10, 2005 and the Final Office Action dated Aug. 12, 2005, O'Neil does not disclose detecting the presence of the first or second authorized party. Therefore, O'Neil cannot disclose performing any action ***in response to detecting the presence*** of the first or second party. Each of the independent claims recite routing a message which is to be ***routed to one of a plurality of authorized parties*** to an active communication device associated with the second authorized party ***in response to determining that the presence of the first***

authorized party remains undetected and detecting the presence of the second authorized party. Thus, O'Neil fails to disclose at least this limitation recited in each of the independent claims.

Like O'Neil, McDowell also fails to disclose routing a message which is to be ***routed to one of a plurality of authorized parties*** to an active communication device associated with the second authorized party ***in response to determining that the presence of the first authorized party remains undetected and detecting the presence of the second authorized party.*** McDowell is directed to a system that provides advertisements to instant messaging users. Generally, the relevant portion of the McDowell system discloses a system that detects whether a user is present, and if present, then sends the message to the user that is present. In other words, McDowell discloses a system that sends a plurality of advertisements to a plurality of potential customers who are currently online. Critically, McDowell does not disclose routing a message ***in response to determining that the presence of another party remains undetected and detecting the presence of the user.*** In McDowell, a message is sent to the user independent of whether another party is present or not.

Further, in McDowell, an advertisement is sent to all parties whose presence has been detected. There is no single message that is being routed to one party as in the independent claims. The McDowell system is not attempting to send a single message intended for a group of people, to a single person in response to detecting the presence of that single person. In contrast, the McDowell system is sending an advertisement to a plurality of users. Therefore, McDowell fails to disclose the limitation recited in the independent claims of routing a message which is to be ***routed to one of a plurality of authorized parties*** to an active communication device associated with the second authorized party ***in response to determining that the presence of the first authorized party remains undetected and detecting the presence of the second authorized party.***

Due to the fact neither O'Neil or McDowell disclose or suggest routing a message which is to be routed to one of a plurality of authorized parties to an active

Application No. 09/990,761
Amendment dated September 15, 2005
Reply to Final Office Action of August 12, 2005

communication device associated with an authorized party in response to determining that the presence of the first authorized party remains undetected and detecting the presence of the authorized party, any combination of O'Neil and McDowell necessarily cannot render independent claims 1, 11, and 21, or any of their dependent claims, unpatentable. Applicants respectfully request the withdrawal of the rejection to the pending claims under 35 U.S.C. § 103(a) as being unpatentable over O'Neil in view of McDowell.

III. CONCLUSION

In view of the foregoing remarks and amendments to the claims, Applicants submit that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,



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